

BOTH SIDES EAGER TO DIG HARD COAL

Anthracite Conferees in Philadelphia Believed to Be Near Peace.

ARBITRATION ONE BLOCK

Desire of Men to Work and Operators to Open Pits Point to an Agreement.

PHILADELPHIA, Aug. 19.—Two things today were disclosed by the conference between the leaders of the United Mine Workers of America and the operators to settle the coal strike in the anthracite fields.

The first was that the only stumbling block in the way of an agreement was the arbitration proposal offered by the operators.

The second was that the operators were anxious to arrive at an agreement and resume the production of coal at once.

The latter development, coupled with the desire on the part of the mine workers to return to work, it was pointed out, augurs well for the success of the conference. How much time will elapse before the representatives of the two sides get together, however, proved speculative even among their own numbers.

Although the conference lasted only an hour and a half, both sides emerged still hopeful of an early adjustment. The terse statement distributed at its adjournment announced that no agreement had been reached, and concluded with the sentence that another conference would be held Monday afternoon.

Neither John L. Lewis, international president of the miners, nor Samuel D. Warren, president of the Lehigh Coal and Navigation Company and the spokesman for the operators, would elaborate on the statement, declaring that both sides felt that the success of the conference might be jeopardized by undue publicity.

From an official source, however, it was learned that the proposal for the anthracite conciliation commission to settle the dispute as advanced by the operators had been submitted to the miners. The proposal resulted in some discord at the meetings yesterday and today, it was stated, and occasioned a desire on the part of the mine workers to substitute some other plan of arbitration.

The proposition as it was handed to the mine workers for consideration, it was learned, provides that the commission continue as at present constituted with three mine workers representatives and three representatives of the operators, with the provision that in the event of disagreement the dispute be referred to three umpires, instead of one as formerly, and with the understanding that the two additional umpires be not of high personal standing and appointed by the President Judge of the United States Circuit Court. The incumbent umpire, Charles P. Neill of Washington, under the plan, would be retained.

Another provision embodied in the proposal is that the Conciliation Commission, which was established by the Roosevelt commission in 1919, be required to render a decision on or before March 31, 1923. The operators, who heretofore have opposed long term contracts with the mine workers, were said to be withdrawing their opposition to some extent. They were reported to have assumed the position that a four or five year contract would not be objectionable if provisions are made for periodic changes as to wages only.

BITUMINOUS OUTPUT LESS THAN LAST WEEK

Production About 5,000,000 Tons Below Normal.

WASHINGTON, Aug. 19.—Bituminous coal production for the present week was estimated today at about 4,300,000 tons by the Geological Survey. There were 4,576,000 tons mined last week.

Final returns, the survey stated, show production of all coal last week was 4,605,000 tons, including 23,000 of anthracite. Considering anthracite and bituminous coal as a common source of supply, the survey declared, the present weekly output is 5,000,000 or 6,000,000 tons below normal, due to the strike.

It is too early, the survey asserted, to learn the immediate effect upon coal production of the agreement signed at Cleveland between mine workers and bituminous operators, for while mines long closed by the strike are reopening there has been a recurrence of acute railroad disability in certain of the non-union and open shop fields. Car loadings on Thursday, totaling 12,463 cars, the survey declared, gave the first indication of shipments from the mines reopened under the Cleveland agreement. Loadings on Wednesday were 12,520 cars.

Lake shipments, the survey continued, increased markedly during the week ended August 13 over the preceding week, a total of 149,459 tons being dumped at Lake Erie ports, against 92,747 in the week preceding.

The reserve of coal on the commercial docks at the head of Lake Superior decreased sharply during July, whereas it normally increases at this season.

FIREMEN ON STRIKE, BURGESS FIGHTS BLAZE

Business Men Aid Him as Volunteer Force.

MOUNT PLEASANT, Pa., Aug. 19.—With members of the Mount Pleasant Volunteer Fire Department on strike, Burgess Williams, a local business man, and twenty-two business men responded to an alarm early today and for two hours they fought a blaze which destroyed a barn and two small buildings. The Burgess believed the fire was incendiary.

The firemen struck several days ago after the authorities banned "games of chance" at a fair being conducted by the volunteers.

IRON PRODUCTION IS LOW.

Independents Doubt Early Resumption of Work.

YONKERS, N. Y., Aug. 19.—With the shutting down of an additional blast furnace here today independent iron production in the Youngstown district fell to a point lower than the minimum reached in the recent depression period, with plant executives pessimistic as to the fuel supply and doubting early resumption.

Finishing and semi-finishing mills continued an active schedule, though two or three of the mills will be idle next week. With the basic iron and steel production steadily falling, these mills must close soon. A shortage of box cars is said to be aggravating the situation.

CONGRESS ALREADY SHAPING LAWS URGED BY PRESIDENT

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taken on the establishment of a national coal agency, although there may be some delay, because the plan will have to be worked out in detail before a bill is framed.

"There are now two or three bills on the House calendar covering these suggestions of the President in a general way. New bills will be introduced, however, which will deal specifically with them."

The roll call of the House disclosed that only 177 members were present out of 435, but it is expected that a quorum will have reached the city by the middle of next week.

President Harding's promise in his message to keep the trains running, safeguard the right of men to work and enforce the law without fear or favor against both sides in the strike controversy was not productive of any further drastic moves by the Administration. But it was announced that the outcome of the negotiations to settle the railroad strike and the anthracite strike, Attorney-General Daugherty would move vigorously to prosecute clear violations of the conspiracy laws that have occurred since the strikes began.

A notable instance of this will be the alleged collusion between railroad workers and striking miners to stop the movement of non-union coal from Kentucky fields through Illinois. Groups of railroad men in an alleged conspiracy with miners at Evansville, Ind., are suspected of having been responsible for the cutting out of coal cars from through freight trains at that important junction point. The district attorney for southern Illinois has received new instructions regarding the handling of evidence growing out of this incident. The nature of the instructions is not disclosed by the Attorney-General.

Observes Collusion. All that Mr. Daugherty will say is that the law has been violated, that it appears to be clearly a case of collusion between the workers to block the non-union coal movement. The indication is strong that the Government is in possession of sufficient proof upon which to ask for Grand Jury indictments.

Similar court action is expected in the western area, traversed by the Santa Fe, particularly in Southern California, Arizona and New Mexico. Preliminary reports of the facts surrounding the abandonment of trains in that territory are before the Attorney-General. In other parts of the country Attorney-General Daugherty is checking on reports of violations of the conspiracy laws through Federal District Attorneys.

Senator Borah will call together the Committee on Education and Labor early next week and ask for a favorable report on his coal commission bill as amended to meet the ideas of the President. Heretofore the committee has been unfavorable to the bill, but with the endorsement of President Harding it is likely to be accepted.

The New York Herald presents excerpts from the more important sections of the Borah bill:

"That it shall be the duty of said commission to investigate fully the conditions, ascertain the facts and study the questions relating to the coal industry with a view of aiding, assisting and advising Congress relative to legislation either in the nationalization of the industry or the control of the coal industry by the Government.

"To this end the said commission shall ascertain and report to the Congress and to the President, first, as to the ownership and title of the mines; second, cost of production; third, profits realized by the operators or owners of said mines during the last ten years; fourth, the regularity of production and suggestions as to the remedy for the same, and all facts, circumstances or conditions which would be deemed essential in determining and establishing a wise policy relative to the said industry by the Government.

"Said commission shall also submit recommendations relative to:—

"A—Standardizing the mines upon the basis of their productive capacity and regarding the closing down of mines which by reason of their natural limitations fall below the standard.

"B—Standardizing the cost of living for mine workers and the living conditions which must be supplied or afforded in order to surround the workmen with reasonable comforts, recognizing the psychological effect of such surroundings in respect to their efficiency.

"C—Standardizing a basis of arriving at the overhead cost of producing the coal and delivering it at the door of the consumer, recognizing in this compilation that the standardized cost of living to the miners must be the first and irreducible item of expense.

"D—The advisability or necessity of nationalizing the coal industry.

"E—The feasibility or necessity of Government regulation and control of the coal industry.

"That said commission shall render its first report and recommendations as soon as practicable and not later than nine months from the passage of this act to the Congress and to the President. That the data or information obtained by the said commission shall not be made public except as the same is made public by reports to the Congress or to the President, or in compliance either with the request of the Congress or of the President.

"That said commission may require by subpoena issued and signed by the chairman the attendance of any person and the production of any book, paper, document or other evidence from any place in the United States at any designated place of hearing; or it may take the deposition of any person before any person having authority to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction and should then be subscribed to by the deponent. Any member of the commission may administer oaths and examine the witnesses. Any witness summoned or deposition taken under this act shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States.

"No person shall be excused from so attending and testifying and depositing or from so producing any book, paper, document or other evidence on the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to a penalty or forfeiture, but no naturalized person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing as to which, in obedience to a subpoena and under oath, he may testify or produce in evidence; except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"That for the efficient administration of the functions vested in this commission by this act, any member, officer or employee thereof, duly authorized by the commission, shall, at all reasonable times for the purpose of examination, have access to and the right to copy any book, account, record, paper or correspondence relating to any matter which the commission is authorized by this act to investigate.

Data to Be Supplied.

"That every officer or employee of the United States, whenever requested by the commission, shall supply it with such data or information pertaining to an investigation by the commission which may be contained in the office of such officer or employee.

"That no person shall wilfully (1) fail or refuse to make any report required by the commission, or (2) make in any such report any statement which is false in any material particular. Any person who violates this subdivision shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than one year, or both.

"That the commission may appoint, remove and fix the compensation of such employees, and make such expenditures, including salaries, traveling expenses, per diem rates of allowance in lieu of subsistence, as are necessary for the efficient administration of the functions vested in the commission by this act, and as may be provided for by the Congress from time to time. All the expenses of the commission shall be allowed and parceled up on the presentation of itemized vouchers therefor approved by the chairman of the commission. No salary or compensation of employee shall exceed \$5,000 per year.

"There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000 or so much thereof as may be necessary to be available until one year after the passage of this act. Such sum shall be expended by the commission, in the District of Columbia, or elsewhere, for defraying the expenses of the maintenance and establishment of the commission, including the payment of salaries."

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NATIONS RAIL HEADS MEET WEDNESDAY

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port made to the unions by the Labor Bureau, Inc., said that the movement of crops and general business prosperity were now seriously threatened by conditions on the railroads.

"Existing equipment," he said, "is being literally swamped on the one hand by an exceptional demand for road cars, and on the other, by an exceptional shortage of such cars. The demand is caused by a bumper crop yield and by the more than usual seasonal increase in general freight traffic, due to better business conditions. The shortage is caused by the abnormal number of bad order cars when the strike began and the rapid deterioration in equipment since the strike was called, due to the failure of the railroads to operate their shops with strike breakers."

Sees Surplus Cars Declining.

According to this report, a surplus of 60,101 box cars on July 1, when the strike started, decreased to 35,000 by July 15, and to 21,367 on July 21, the last date for which figures are available. At this rate of decline, as reported by Mr. Williams, the surplus became exhausted last Monday and a shortage has set in.

Mr. Williams' summary continues: "The last monthly Government crop report estimates a wheat yield of 805,000,000 bushels, a bigger than any previous year on record; a corn harvest of 3,000,000,000, one of the few largest on record; a hay crop exceeding any heretofore known; a tobacco, apple and potato crop far above the average. Returning business prosperity is also swelling the demand for cars. The country is in the midst of a record breaking building boom, which throws a heavy burden on the railroads in moving building materials. Automobile production continues to break all records. Practically every industry has entered a period of increased activity.

"There is only one way for the railroads to meet the emergency, and that is to get every bad order box car in service at the earliest possible moment. There were 129,154, or 15.1 per cent. of the total, recorded in bad order by the American Railway Association in its last report of July 15. There are at least 200,000 out of service now. To repair them the railroad shops must operate with twice as many skilled mechanics as in normal times.

"The alternative is rotting crops, business curtailment, increased living costs and unemployment again."

The New York, New Haven and Hartford Railroad reported yesterday that it had hired 141 additional skilled mechanics and added them to the permanent force, which has been built up in place of the former force.

PAIL FOR A FAMILY, QUEENS COAL QUOTA

Small Supply With Dealers—Brooklyn Transit Service Not to Be Cut Yet.

The Brooklyn Rapid Transit Company has not asked the Transit Commission for permission to curtail its train service during the coal shortage. Commissioner Le Roy T. Harkness said yesterday the 10 per cent. reduction in service and the more than usual seasonal increase in general freight traffic, due to better business conditions. The shortage is caused by the abnormal number of bad order cars when the strike began and the rapid deterioration in equipment since the strike was called, due to the failure of the railroads to operate their shops with strike breakers."

"So far as can be seen," Mr. Harkness said, "there seems no reason for reducing the B. R. T. service on account of the lower efficiency of English coal."

The Transit Commission published a report by C. S. MacLean, resident engineer of the Cunard Line, on the relative merit of American and British coal.

United States coal, Mr. MacLean finds, "is undoubtedly the best steaming and cleanest." He estimates the steaming value of English coal as 90 per cent. of Pocahontas, which is the fuel ordinarily used by local traction plants.

At the request of the commission Mr. MacLean made an inspection of the Interborough power house in Fifty-ninth street, where Welsh coal is being burned. He made several recommendations and expects that the fireproof crew, with a little more experience, will obtain better results.

The Health Department's survey of domestic coal in reserve in New York City was completed yesterday in Queens Borough, where only 4,086 tons of stone and furnace anthracite were found on hand. This is about one bucketful for each of the 125,000 families in Queens.

The survey was made by James H. Elson, supervising inspector, under the supervision of John A. Oberwager, acting sanitary inspector of the department for Queens. Mr. Elson took stock in thirty-two coal yards, many of which he found depleted of domestic sizes, with coal merchants unable to get more.

About 90 per cent. of the population of Queens lives in one and two family dwellings and thousands of families have been buying coal on a hand-to-mouth basis. The Health Department will take measures to provide for them in the emergency, if possible.

Railroads, gas, electric light and power plants will continue to practice conservation long after the strike is settled and the mines producing again full blast. The Long Island Railroad conceded an excursion to Montauk Point, which had been arranged for the friends of the men at the Citizens' Military Training Camp to visit the camp to-day.

Seeks Damages for Injury to Child Before Birth

IN an action brought yesterday in the Hudson County Court, Jersey City, against a taxicab company, Anna Gargiulo, six weeks old through her father, Samuel Gargiulo, alleges that as a result of an automobile accident while her mother was riding in a taxicab of the Hudson Taxicab Company she was black and blue from bruises at the time of her birth and has a paralyzed right arm. She seeks \$25,000 damages from the taxicab company. Her father sues \$3,000 for future loss of the child's services and for medical expenses.

The mother, it was said, was only slightly injured.

HOOVER ASKS STATE FUEL BOARDS TO ACT

Says They Must Move Energetically to Protect Public From Unfair Prices.

Special Dispatch to The New York Herald.

Washington, D. C., Aug. 19.—State authorities acting through agencies established by the Governors must act immediately to protect the public against unfair mine and resale prices of coal pending legislation by Congress, Secretary Hoover declared to-night.

The Federal Government's attitude on the present day of the Governors of States was outlined by Mr. Hoover in a letter to Gov. H. L. Davis of Ohio.

The letter explained that the proposed legislation for price restraint will be limited to interstate coal movement. Coal mines now operating in Ohio under the Cleveland agreement are demanding from \$7 to \$10 a ton for coal. Mr. Hoover said Ohio public utilities, faced with a demand for higher prices, have appealed to the Government for priority orders for Southern coal selling at \$3.50 a ton at the mines. Mr. Hoover advised Gov. Davis not to be just to coal consumers of other States, in view of the additional supplies in Ohio, to issue the priority orders for coal to come from outside Ohio.

He suggested that in any fair price arrangement which may be effected in Ohio the operators must have considerable margins to overcome the cost of reopening the mines, and to enable the operators to make a generous treatment of the operators. Mr. Hoover said, will be an enormous saving to the public over prices now being quoted by the Ohio mines.

Mr. Hoover's letter said: "I cannot too strongly urge that if the people of Ohio and surrounding States are to be protected there should be secured a voluntary arrangement with the necessary committees to enforce it under the direction of your fuel committee by which some fair maximum price is fixed and similar voluntary arrangement and enforcement is set up in respect to wholesale and retail handling of coal. The Federal fuel distributor will gladly cooperate in making available such pressure as exists under priorities."

The Federal Fuel Distributor, Spencer, acting upon recommendations made by Gov. Morgan of West Virginia, has instructed district fuel committees that the recommended fair price for coal from all West Virginia districts has been raised to \$4.10 per ton. The previous fair price was \$3.50.

Distributor Spencer to-day took steps to discourage the use of pea coal as locomotive fuel on Eastern railroads and by certain industries. Mr. Spencer said available supplies of pea coal are urgently needed for domestic heating purposes.

SUGGESTS U. S. CARE FOR IDLE WAR PLANTS

Vauclain Urges Owners Aided in Keeping Buildings Ready.

WASHINGTON, Aug. 19.—Suggestions that Government aid be extended to industrial establishments created during the world war to furnish munitions and other materials now made to-day by Secretary Weeks by Samuel Vauclain, president of the Baldwin Locomotive Works.

Mr. Vauclain was understood to have informed the War Secretary that there were a number of war born establishments which represent millions of dollars and which have no peace time use. Their maintenance in idleness, it was said, was a heavy tax upon the owners, who did not want them destroyed because of the tremendous cost of building in war time and which, if future emergencies arose, would save expenditure for rebuilding.

Secretary Weeks explained that Mr. Vauclain did not ask help for the Baldwin company, but for any similar enterprise which was connected with in the capacity of director. The chief of ordnance, Mr. Weeks said, has been instructed to make an investigation of all large war plants which have no place in the peace time life of the nation.

The Secretary said the question of providing Federal care for these establishments of "Congressional Aerial Dardaneels" action.

BIDS 400 IN PINOCHLE; IS TAKEN TO HOSPITAL

Opponent in Brooklyn Game Jailed for Assault.

A bid of 400 in a pinochle game resulted in the arraignment of Samuel Dounn, 35, of 31 Seigel street, Brooklyn, yesterday in the Bridge Plaza court before Magistrate Ellipier. He was held in \$500 bail.

Dounn, Jacob Friedman of 135 Starr street and another man were playing pinochle in Friedman's home and everything went well until Friedman looked at a hand he held and exclaimed: "Four hundred."

"You'll never make it," Dounn commented.

Friedman played the hand and made it with ten points to spare. When the police arrived Friedman had been struck over the head with a cup and rendered unconscious. Dounn was taken to jail and Friedman to St. Catherine's hospital.

ALL TROOPS TO LEAVE INDIANA COAL FIELDS

INDIANAPOLIS, Aug. 19.—Withdrawal of all national guard troops from the coal fields of Indiana was ordered by Gov. McCray to-day. He also took steps to dissolve the proclamation establishing martial law at Staunton and in other sections of the State where coal was being mined under State protection.

Reports received here from Jansville stated that Capt. William F. Kleffgen, in command of 150 militiamen, entrained this morning after spending seventeen days in the coal fields. The movement of the troops will depend largely upon the ability of the Pennsylvania Railroad to provide cars.

For three carloads of coal were mined during the seventeen days that the troops were in the district.

HARDING INFORMED ILLINOIS IS LOYAL

State Chamber of Commerce Will See That Herrin Crime Is Fully Avenged.

Special Dispatch to The New York Herald.

CHICAGO, Aug. 19.—The reply of Illinois, made through its commercial interests and business men to the implied charge by President Harding in his speech before the joint session of Congress, that the State has condoned the non-enforcement of the laws in the mine massacre at Herrin, was sent to the White House late to-night.

In a telegram to the President, the Illinois Chamber of Commerce outlined the campaign now being waged for a fund to detect and punish the murders and of the support pledged by its 105 affiliated organizations throughout the State with a membership exceeding more than 37,000.

The telegram, signed by John H. Camlin, president of the Chamber of Commerce, follows:

"The Illinois Chamber of Commerce, representing 102 chambers of commerce throughout Illinois, including over 37,000 business men, and the conviction that lawlessness in Illinois is to go unpunished and unchecked has become so firmly fixed that the President of the United States expressed the conviction as a part of his message to Congress on the industrial situation to-day.

"You, Mr. President, state justice in Illinois has failed and therefore the ways be a blot on the nation because

of Herrin. We grant that justice has failed thus far—failed utterly and unpardonably—but we of Illinois do not intend that this failure of justice shall remain a blot on the nation. The citizens of Illinois intend that the guilty shall be apprehended and punished, or that full responsibility for non-enforcement of the law be placed upon the heads of those who control public sentiment and administration of justice in Williamson county.

"The Illinois Chamber of Commerce is raising a fund for investigation and prosecution and will make certain that any effort humanly possible is put forth to remove this blot from our State. Our Attorney-General has volunteered to do all in his power to bring the guilty to justice, provided sufficient funds are furnished him for his undertaking. We propose to furnish him with the necessary funds. The business men of Illinois are confident that in this undertaking they have your sympathy and commendation."

The principal creditors, according to the schedules, are Sartorius & Einstein, brokers, 30 Broad street, for \$15,000; Eric & Dreyfus, brokers, who have a judgment for \$10,000; Frederick Schwed, broker, for \$20,000; and the Equitable Trust Company, 37 Wall street, said to have a suit pending to recover \$3,000 for an alleged overdraft.

Discussing the recommendation for legislation to protect aliens who may fail to get protection from State governments and on account of which international complications threaten to arise, Mr. Gompers declared with every sign of finality that organized labor was bound to fight the proposal, which he interpreted as a maneuver whereby the Government would be enabled at all times to protect its strikes.

"No one can regard the Herrin wrong in ascribing the incidents to a deliberate conspiracy."

"I think the President was wrong when he says it was a conspiracy," he continued. "My information is that the locomotives and the whole trains were in such miserable condition that the lives of those on board and not of the operating forces alone were imperiled."

He characterized as a "mischievous untruth" the suggestion in the President's speech that the rail and coal strikes were part of one huge plot against industry and against the Government.

"It is a mischievous untruth," he declared, "I know the men at the head of both organizations, the United Mine Workers and the railroad employees department of the American Federation of Labor, and the various unions whose membership is involved. As far as these men are concerned it is a criminal libel to make such an allegation at this time."

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